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10/685,829

10/14/2003

Po-Hsuan Wu

5272

25859

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07/14/2008

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EXAMINER

REFAI, RAMSEY

ART UNIT

PAPER NUMBER

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/685,829

Applicant(s)

WU, PO-HSUAN

Examiner

Ramsey Refai

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Responsive to Amendment filed April 2, 2008. Claims 1, 2, 6, 11, 15, and 20 have been amended. Claims 1-20 remain pending.

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive.

In the remarks, the Applicant argues with substance:

- **Regarding claims 1-14:**

Argument A: *Smith fails to disclose or teach an "export file management module for generating shipping advices based on said export files, address lists, and cargo tracking records".*

In response, the Examiner respectfully disagrees. On page 5 of the Applicant's specification, shipping advices are described as being used "*for informing a relevant consignee of up-to-date details of a cargo once the cargo is delivered to the consignee*". Shipping devices are updates on the status of the cargo. Smith teaches a logistics method for monitoring, receiving updates, and automatically controlling logistics functions. The logistics computer programming provides updated logistics information to the central database from respective computers. A list of materials is also stored at the central database and is used to produce a manifest of materials. The manifest can include quantities and types, delivery locations, delivery method, etc. The manifest is tracked through each delivery stage. Clients or vendors may access the information from the database to determine location intelligence and a respective listing of cargo for each of the clients. The client computers can then display a map showing a geographic picture of the cargo. **(See at least column 1, lines 18-45, column 2, lines 5-55,**

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column 3, lines 10-36, column 14, lines 12-67) Smith teaches the claimed shipping advices as described in the Applicant's disclosure and therefore meets the claimed limitations.

Argument B: *Smith fails to teach a "communication module for sending the shipping advices to the consignees according to said obtained information on consignees"*

In response, the Examiner respectfully disagrees. Smith's system can track cargo and allows authorized clients or vendors to access up-to-date information regarding the status of the cargo from the database. The client computers can then display a map showing a geographic picture of the cargo. **(See at least column 1, lines 18-45, column 2, lines 5-55, column 3, lines 10-36, column 14, lines 12-67)** Smith teaches the claimed shipping advices as described in the Applicant's disclosure and therefore meets the claimed limitations.

- **Regarding claim 14:**

Argument D: *Smith fails to disclose or teach "a time module for setting a first time parameter, a second time parameter, and a third time parameter"*

In response, the Examiner respectfully disagrees. Smith teaches a time component that allows different processes to be performed during different times and at different time intervals, such as end of day or shift, or at a particular time interval. **(See column 2, lines 17-19, column 7, lines 17-21).**

Additionally, the Applicant is reminded that claims 1-14 are directed to a system (apparatus) and must be distinguished from the prior art in terms of structure rather than function, *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art

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apparatus” if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd Pat. App & Inter. 1987). Thus, the structural limitation of claims 1-14, including a computer is disclosed by Smith. The functional limitations in claims 1-14 do not distinguish the claimed apparatus from the prior art.

- **Regarding claims 15-20:**

Argument E: *Smith fails to disclose or teach "generating shipping advices" and "sending the shipping advice"*

In response, the Examiner respectfully disagrees. As argued above, page 5 of the Applicant's specification, describes shipping advices as being used *"for informing a relevant consignee of up-to-date details of a cargo once the cargo is delivered to the consignee"*. Shipping devices are updates on the status of cargo. Smith teaches a logistics method for monitoring, receiving updates, and automatically controlling logistics functions. Smith's system can track cargo and allows authorized clients or vendors to access up-to-date information regarding the status of the cargo from the database. The client computers can then display a map showing a geographic picture of the cargo. **(See at least column 1, lines 18-45, column 2, lines 5-55, column 3, lines 10-36, column 14, lines 12-67)** Smith teaches the claimed shipping advices as described in the Applicant's disclosure and therefore meets the claimed limitations

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly

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connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims have been amended to recite that *the shipping devices are generated based on said export files, address lists, and cargo tracking records*. However, after careful review of the Applicant's disclosure, no clear support was found for this new limitation. The generation of shipping advices is described in paragraph [0013] (page 7) shown below:

[... The export file management module 144 is further used for obtaining information on cargoes, shipping paths, invoice numbers, arrival times at destination ports, flight/voyage numbers and export files, by accessing the database 120; for generating shipping advices according to said obtained matters; and for sending the shipping advices to the communication module 145. ...]

Paragraph [0013] of the Applicant's disclosure shows the shipping advices being generated "according to said obtained matters" which are cargoes, shipping paths, invoice numbers, arrival times at destination ports, etc, and not based on export files, address lists and cargo tracking records as claimed.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 1: the limitation "for generating export files, address lists, cargo tracking records" renders the claim indefinite because it's unclear if the export file management module generates the export files, address lists, **and** cargo tracking records or just one of the three (the export files, address lists, **or** cargo tracking records). For examination purposes, it will be taken as the export files, address lists, **or** cargo tracking records.

the limitations "address lists" and "cargo tracking records" in line 15-16 are indefinite because it's unclear if these terms are those recited in lines 12-13; if so, proper antecedence should be shown.

Dependent claims that depend upon the above claims are rejected under the same rationale.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al (US 6,879,962).

8. As per claim 1, Smith et al teach an export file management system for generating export files based on basic export data obtained from a plurality of manufacturing databases, and for automatically sending shipping advices to corresponding consignees of cargoes by e-mail, the system comprising:

a plurality of manufacturing workstations; a database server comprising a system database; an application server (**column 2, lines 5-27, fig 3, column 23, lines 29-37**) comprising:

a basic data module for obtaining basic export data by accessing the manufacturing workstations, and for storing said obtained basic export data in the database (**column 2, lines 20-27**)

a tracking module for obtaining information on cargo tracking and abnormality messages sent by forwarders via corresponding client computers (**column 3, lines 15-39, column 23, lines 37-45**);

an export file management module for generating export files, address lists, cargo tracking records by obtaining the basic export data from the database and the information on cargo tracking and abnormality messages from the tracking modules and for generating shipping advices based on said export files, address lists, cargo tracking records (**column 1, lines 22-28**); and

a communication module for receiving the shipping advices, obtaining information on consignees of cargoes by accessing corresponding address lists in the database, and for sending the shipping advices to the consignees according to said obtained information on consignees; and a network connecting the manufacturing workstations and the application server (**column 3, lines 15-39, column 23, lines 32-45, column 24, lines 15-19**).

9. As per claim 2, Smith et al teach wherein the database is used for storing information on cargoes, information on forwarders, address lists, export files, and cargo tracking records (**column 3, lines 20-28**).

10. As per claim 3, Smith et al teach wherein each of the manufacturing workstations comprises:

a manufacturing database server comprising a manufacturing database for storing the basic export data (**column 2, lines 12-18**); and

a manufacturing application server comprising an authorization management module for defining operational rights and a scope of access for each user of the manufacturing workstation (**column 22, lines 37-42**).

11. As per claim 4, Smith et al teach wherein for each of the cargo, the export files comprise a packing list, a pro forma invoice, and a bill of lading (**column 1, lines 22-27, column 3, lines 19-22, column 14, lines 6-11**).

12. As per claim 5, Smith et al teach wherein the information on cargo tracking comprises an actual arrival time and an actual departure time for each port through which a cargo has passed, a system status, a shipping status and a current position of the cargo (**column 1, lines 22-57, column 3, lines 19-22**).

13. As per claim 6, Smith et al teach wherein the basic export data comprises information on a cargo, a shipping path, an invoice number, an arrival time at a destination port, and a flight or voyage number (**column 1, lines 22-27, column 3, lines 19-22, column 14, lines 6-11**).

14. As per claim 7, Smith et al teach wherein the export file management module is used for accessing the database on a predetermined schedule to obtain cargo tracking records and basic export data, and for generating reports based on said obtained tracking records and basic export data (**column 2, lines 15-18**).

15. As per claim 8, Smith et al teach wherein on each occasion of said accessing, the reports comprise an on way tracking report for describing information on delivery between original ports and respective destination ports, an abnormality report comprising information on any delayed cargoes, and a booking status report for showing booking statuses of orders (**column 3, lines 15-39, column 23, lines 37-45**).

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16. As per claim 9, Smith et al teach wherein the address lists are used for recording recipients of reports and the consignee of cargoes (**column 1, lines 22-30, column 3, lines 19-22, column 14, lines 6-11**).

17. As per claim 10, Smith et al teach wherein each of the shipping advices is used for informing a corresponding consignee of up-to-date details of a cargo once after the cargo is delivered to the consignee, and comprises an invoice number, basic information on the cargo, information on forwarders, a shipping path, an arrival time at the destination port, and a flight or voyage number (**column 2, lines 7-26, column 3, lines 15-37, column 1, lines 22-30**).

18. As per claim 11, Smith et al teach wherein generated export files are attached to each of the shipping advices and the shipping advice attached with the generated export files are sent to the consignee by email (**column 2, lines 7-26, 47-54, column 3, lines 15-37, column 1, lines 22-30**).

19. As per claim 12, Smith et al teach the export file management module is further used for sending the reports and the shipping advices to the communication module (**abstract**).

20. As per claim 13, Smith et al teach wherein the communication module is used for receiving reports sent by the export file management module, obtaining information on recipients of the reports, and sending the reports according to said information on recipients (**abstract, column 2, lines 7-26, column 3, lines 15-37, column 1, lines 22-30**).

21. As per claims, 14, Smith et al teach wherein the application server further comprises a time control module for setting a first time parameter, a second time parameter and a third time parameter, wherein: the first time parameter defines times at which the basic data module accesses the manufacturing databases of the manufacturing workstations; the second time parameter defines times at which the export file management module accesses the database to generate series of export files; and the third time parameter defines times at which the

communication module sends the reports (**column 2, lines 17-19, column 12, lines 34-36, column 16, lines 9-16, .**

22. As per claims 15-20, these claims contain similar limitations as claims above, therefore are rejected under the same rationale.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571)272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
July 10, 2008
/R. R. /
Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627